

EXHIBIT A

<p>Title: Introduction / Overview</p> <p>Recommended Time: 1 hour</p> <p>Primary Audience: All Officers of the Cleveland Division of Police</p> <p>Module Goal: To give officers an overview of the 2019 use of force policy training</p> <p>Required Materials: Digital presentation (Power Point, video); lesson plan</p> <p>I. Introduction</p> <p>a. Will be given by a Supervisor (If no Training Section Supervisors are available, a supervisor approved by the Training Section to present the introduction will be designated to deliver this important part of the lesson.)</p> <p>b. Supervisor will</p> <p>i. Welcome everyone to CDP's 2019 Use of Force policy training</p> <p>ii. Give roll call and insure everyone has signed in</p> <p>iii. Ask officer to place cell phones on silent and put them away. Indicate that usage is prohibited unless on a designated break or express permission by instructor is given.</p> <p>iv. Ask about injuries</p> <p>1. Must previously been documented with medical unit</p> <p>2. If not must leave and go to medical unit</p> <p>II. Overview</p> <p>a. Explain the course schedule and how the classes will be rotated</p> <p>i. The training will consist of one 8 hour day</p> <p>ii. Officer's will attend 4 modules for the day</p> <p>iii. Officer will be separated into 4 groups and will spend approximately 1-hour and 15 minutes and each training module</p> <p>iv. Read Modules for the day</p> <p>1. Module #1 Intermediate Weapons</p> <p>2. Module #2 De-escalation</p> <p>3. Module #3 Video Assessment #1</p> <p>4. Module #3 Video Assessment #2</p>	<p>Slide #1</p> <p>Collect sign-in sheets</p> <p>Slide #2</p> <p>Slide # 3</p> <p>Slide #4</p>
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<p>iii. Review Stats</p> <ol style="list-style-type: none"> 1. CDP Use of Force incidents <ol style="list-style-type: none"> a. 2016 - 285 b. 2017 - 237 c. 2018 - 338 2. CDP Use of Force incidents injury to officers <ol style="list-style-type: none"> a. 2016 - 46 b. 2017 - 63 c. 2018 - 40 3. CDP Use of Force incidents injury to suspect <ol style="list-style-type: none"> a. 2016 - 65 /21.45% b. 2017 – 89 /36.78% c. 2018 - 75 /20% 4. CDP Complaints of excessive uses of force <ol style="list-style-type: none"> a. 2016 - 16 b. 2017 - 19 c. 2018 - 8 	Slide #8
<p>d. Your job in today's training</p> <ol style="list-style-type: none"> i. Is to apply your knowledge, experience, and skills to some challenging scenarios and exercises. ii. It is geared toward you having the ability to practice applying the Use of Force policies in a productive learning environment – <ol style="list-style-type: none"> 1. Honing your skills, 2. learning from your mistakes, and 3. Hearing from your other officers about how they might approach difficult situations. <p>e. Review of Key Use of Force concepts: Remind students to apply what they learned from past trainings and the use of force GPO's in the current 2019 training.</p>	Slide #9
<p>i. Officers shall use de-escalation techniques when it is <u>safe and feasible</u> to do so under the totality of the circumstances. (Reference de-escalation GPO 2.01.02, which will be addressed more fully in the De-Escalation Module).</p> <p>ii. De-escalation Tactics, Strategies, and Techniques:</p> <ol style="list-style-type: none"> 1. Use distance and shielding 2. Cover / Contact 3. Voice commands / tone 4. Resources/supervisor/CIT officer 5. Concealment and time 6. Calling back up 	<p>Slide #10</p> <p>Slide #11 Show first slide without the answer. Ask some to fill in the blanks. Then show Slide #12 with answer.</p> <p>Slide #13 only shows the first line. Must be advanced to see bullet points. Ask officer's to name the techniques before showing the bullet point.</p>

<p>7. Calling Supervisor</p> <p>iii. Reportable use of force / levels of force</p> <div data-bbox="350 296 1088 495"><p>Ask someone to describe and/or give an example of a level 1 use of force.</p><p>See answer below.</p></div> <p>1. Force that is reasonably likely to cause only transient pain and/or disorientation during its application as a means of gaining compliance</p> <p>2. Un-holstering a firearm and pointing it at a subject</p> <div data-bbox="360 789 1097 989"><p>Ask someone to describe and/or give an example of a level 2 use of force.</p><p>See answer below.</p></div> <p>f. Force that causes an injury, could reasonably be expected to cause an injury, or results in a complaint of an injury</p> <p>i. Proportionality to level of Resistance</p> <p>ii. Duty to provide medical aid</p> <p>iii. Objective Reasonableness</p> <p>1. Analyzed from the perspective of a reasonable officer</p> <p>2. Analyzed under 4th Amendment guided by US Supreme Court (Graham v. Connor)</p> <p>iv. Necessity</p> <p>1. Force shall be used only as necessary, which means only when no reasonably effective alternative to the use of force appears to exist, and then only to the degree which is reasonable to effectuate a lawful objective</p> <div data-bbox="337 1675 1097 1875"><p>Ask someone to describe and/or give an example of a level 3 use of force.</p><p>See answer below</p></div>	<p>Slide #14</p> <p>Slide #15</p> <p>Slide #16</p>
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- g. Force that includes uses of deadly force; uses of force resulting in death or serious physical harm; uses of force resulting in hospital admission due to a use of force injury

i. Examples:

1. uses of force resulting in a loss of consciousness
2. canine bite;
3. more than three applications of a CEW on an individual during a single interaction

Ask the class what are some factors they should consider (officer/subject) when choosing a force response

See answer below.

Slide #17

ii. Factors that should considered

1. The influence of drugs and/or alcohol
2. Known or reasonably apparent mental illness
3. developmental disability or crisis incident
4. Known or reasonably apparent physical disability
 - a. medical or physical condition,
 - b. including visual or hearing impairment
5. Limited English proficiency or other language barrier
6. The time available to an officer to make decisions
7. The availability of officers/resources to de-escalate the situation
8. The proximity or access to weapons by the subject
9. Differences between the following officer and subject characteristics
 - a. Age
 - b. Gender
 - c. Body size
 - d. Skill level
 - e. Relative strength
 - f. Injury or exhaustion
10. Officer's and subject's position
11. The officer's distance from the subject(s)
12. The officer's special knowledge or training

Slide #18

Slide #19

<ul style="list-style-type: none"> iii. De Minimus Force: Physical interactions meant to guide/control a subject that do not constitute reportable force: <ul style="list-style-type: none"> 1. Control holds that do not cause pain and are not reasonably likely to cause pain 2. Using hands/equipment to escort a subject iv. Duty to Intervene: All officers have an affirmative duty to take all reasonable actions to stop any use of force that is contrary to the policy as it is happening. v. Witness Reporting - Officers Witnessing or Present During a Use of Force shall <ul style="list-style-type: none"> 1. By the end of their tour of duty, submit an officer/witness narrative statement including: <ul style="list-style-type: none"> a. The reason for the witnessing officer's police presence b. A specific description of the observed acts that preceded the use of force, to include any observed attempts to de-escalate c. Level of resistance observed d. A complete and accurate description of every type of force observed 2. Submit the officer/ witness statement (Form-1) to the reviewing supervisor or officer-in-charge of FIT 	<p>Slide #20</p> <p>Slide #20</p> <p>Slide #21</p>
<p>III. Safety</p> <ul style="list-style-type: none"> a. Identify a Supervisor to be the safety officer b. Safety is everyone's number one priority c. All instructors will store their weapons and be checked by a supervisor prior to enter training areas d. Anyone can stop training for safety reasons e. Anyone injured must report their injury to an instructor or supervisor immediately f. There is a first aid kit and AED available at both sites <ul style="list-style-type: none"> i. Police Academy <ul style="list-style-type: none"> 1. First Aid kit <ul style="list-style-type: none"> a. Entrance of Police Academy 2. AED <ul style="list-style-type: none"> a. Entrance of Police Academy b. Gym next to Vending Mach. 3. Trauma kits <ul style="list-style-type: none"> a. Entrance of Police Academy b. Gym office 	<p>Slide #22</p> <p>Slide #23 Location of AED and First Aid Kit</p>

<ul style="list-style-type: none"> g. Everyone must secure their weapons in the provided lock boxes <ul style="list-style-type: none"> i. Firearm ii. Taser iii. Extra Magazines iv. Pepper spray v. Extra Taser cartridges 	<p>Slide #24</p>
<ul style="list-style-type: none"> h. <u>NO LIVE WEAPONS</u> will be used in training; all students will be issued inert training weapons. <ul style="list-style-type: none"> i. Except in the Intermediate weapons scenario ii. Live Taser will be provide at that station by the instructors iii. Instructors weapons shall be secured <ul style="list-style-type: none"> 1. Outside of training and area 2. Prior to training 3. Supervisors will check instructors iv. Signage shall be placed outside of training area <ul style="list-style-type: none"> 1. Warning to “stay out training in progress” v. No one shall be allowed to enter training area with live weapons <ul style="list-style-type: none"> 1. Training section supervisors shall monitor 2. If someone enters the training area with a weapon <ul style="list-style-type: none"> a. All training shall stops immediately b. Training shall not resume until area is cleared and free from live weapons 	<p>Slide #25</p>
<ul style="list-style-type: none"> <ul style="list-style-type: none"> <ul style="list-style-type: none"> 1. Training section supervisors shall monitor 2. If someone enters the training area with a weapon <ul style="list-style-type: none"> a. All training shall stops immediately b. Training shall not resume until area is cleared and free from live weapons 	<p>Slide #26</p>
<ul style="list-style-type: none"> i. Officer personal safety <ul style="list-style-type: none"> i. Drink fluids ii. Sun screen (if necessary) iii. Clothing to keep warm 	<p>Slide #27</p>
<ul style="list-style-type: none"> IV. Divided into Groups <ul style="list-style-type: none"> a. Read name for Group 1 <ul style="list-style-type: none"> i. Send them to lock up weapons ii. Then report to their training area iii. They will be safety checked by instructors b. Read name for Group 2 <ul style="list-style-type: none"> i. Send them to lock up weapons ii. Then report to their training area iii. They will be safety checked by instructors 	<p>Slide #28</p>

<ul style="list-style-type: none">c. Read name for Group 3<ul style="list-style-type: none">i. Send them to lock up weaponsii. Then report to their training areaiii. They will be safety checked by instructorsd. Read name for Group 4<ul style="list-style-type: none">i. Send them to lock up weaponsii. Then report to their training areaiii. They will be safety checked by instructors <p>V. Breaking for Lunch</p> <ul style="list-style-type: none">a. All groups will return to the main class roomb. Will be dismissed one group at a timec. You will be allowed to recover your weapon (if needed)d. Must be back on timee. Come to the classroomf. Do not leave your weapon in the carg. Do not put weapons in box, wait for instructionsh. Wait for instructionsi. After Lunch Return to Classroom for safety brief (same as in the morning) and safety check. Continue with training <p>VI. Group Breakdown</p> <p>VII. Be prepared to answer questions</p>	<p>Slide #29</p> <p>Slide #30</p>
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Title: Intermediate Weapons Scenario

Recommended Time: 1 Hour 15 Minutes

Primary Audience: Patrol Officers, Detectives, Supervisors

Module Goal: Students will receive conceptual, skill, and scenario based training. Students will apply their knowledge and understanding of the training during the completion of reality based scenarios.

Learning Objectives: At the completion of this module, students will be able to:

- Identify requirement of a cover officer unless exigent action is needed.
- Identify suspect behavior that is resistant and will select an intermediate weapon as the appropriate force option to counter the resistance posed by the suspect.
- Give a warning prior to the use of the intermediate weapon if feasible.
- Recognize an opportunity for de-escalation and either cease using the intermediate weapon or not use the intermediate weapon at all.

Recommended Time Allocation		
	Unit	Recommended Time (minutes)
1	Group assignments and equipment distribution	15
2	Active scenario participation	45
3	Scenario Debrief	15
Total		75 minutes

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- IV. Instructor Requirements
- V. Equipment
- VI. Situation Explanation #1
- VII. Debrief
- VIII. Evaluation Process
- IX. Scenario #2
- X. Situation Explanation #2
- XI. Debrief
- XII. Evaluation Process

Slides & Notes

I. Student Performance Objectives:

As law enforcement professionals, one of our primary tasks is to figure out which of the tools available to us is best to resolve a situation safely and effectively. There are a number of things that we may need to keep in mind in every situation:

- A. Voice: Utilize effective communication
 - 1. Communicate with clarity
 - 2. Use a calming manner, normal tone of voice
 - 3. Ask questions and listen
- B. Presence: What image or posture are the police officers projecting towards the subject?
 - 1. Aggressive
 - 2. Passive
 - 3. Unaware
 - 4. Professional
 - 5. Polite v. rude
- C. De-escalation
 - 1. When feasible and safe
 - 2. Slow down the situation
 - 3. Use contact/cover
 - 4. Use distance and shielding/positioning tactics to limit exposure
 - 5. Call for more resources/supervisor/CIT officer
 - 6. Are directions clear? Can they be understood?
 - 7. Are consequences explained?

In some circumstances when subjects pose a threat to others or officers, we may also need to select the best force technique or instrument in light of the nature of that threat:

- D. Force
 - 1. Necessary
 - 2. Proportional
 - 3. Objectively reasonable?

GPO: De-escalation

GPO: UoF: Definitions

GPO: UoF: General II, B

GPO: UoF: General III, B

GPO: UoF: General IV, B

At this time, the instructor will cover the Use of Force: Intermediate weapons GPO 2.01.04. The instructor will cover each of our intermediate weapons: ASP Baton, Riot Baton (Impact Weapons), Oleoresin Capsicum Spray and Conducted Energy Weapon.

We are now going to proceed through a scenario. Keep in mind that, although the purpose of this training is use of force training, many of the scenarios may not actually require you to use force. Not all students go through the same scenario. Each scenario is designed to have the officer make a decision to either use or not use their intermediate weapon.

- E. A review of the Intermediate weapons GPO regarding when an intermediate weapon is authorized and when it is prohibited will be discussed.
- F. Regardless of your decision-making, you need to be able to explain what you did after the exercise.
- G. Explain what you could do and why.
 - 1. The “why” of a technique, tactic or action based on a thought process

II. Scenario #1:

Two officers respond to a military veteran suffering from PTSD, and is threatening suicide. Officers are armed with inert spray, foam baton, Taser and training CEW cartridges.

Performance Objectives:

In each situation, the student will:

- 1. Perform a threat assessment based on the nature and immediacy of the threat and to identify if immediate police action is necessary to protect someone from harm.
- 2. Establish that the scene is safe or make the scene safe. Take into consideration the location of victims, bystanders, witnesses.
- 3. Use time, distance and shielding to

Slides & Notes

GPO 2.01.04

GPO 2.01.04 I B& C

Instructor Notes

enhance the opportunity for de-escalation by limiting exposure to the subject. Move from a position that exposes you to potential threats to a safer position.

4. Take the following steps to protect themselves, their partner(s), bystanders, and the subject they are dealing with:
 - a. Use de-escalation tactics based on the de-escalation General Police Order when it is safe and feasible to do so under the totality of the circumstances.
 - b. Examples are:
 - i. Slow down the situation
 - ii. Bring additional resources to the scene (call for back up), request additional personnel and wait, when safe and feasible to do so, for arrival of additional personnel.
 - iii. Place barriers between uncooperative subject and yourself
 - iv. Use strategic communication or voice commands to de-escalate the situation.
 - v. Ask questions rather than issue orders.
 - vi. As a last resort, inform the subject that not following orders may result in the need to use force. When possible and appropriate, give subjects the opportunity to comply with directives.
5. Use force only as necessary, meaning only when no reasonably effective alternative to the use of force appears to exist, and then only to the degree which is reasonable to effect the intended lawful objective.
 - a. Affect a lawful arrest/detention of a subject
 - b. Gain control of a combative subject
 - c. Prevent or terminate the commission of a crime
 - d. Intervene in a suicide or self-inflicted injury
 - e. Defend or protect an officer/individual from the violent or resistant physical acts of another

III. Site Description:

Open area of the 5th floor gymnasium with some obstacles in place.
Proper safety mats on the floor in area where arrest will be made.

IV. Instructor requirements:

- A. One Lead Instructor
- B. One Back up Instructor: Will assist in equipping and staging officers and assist as the SAFETY OFFICER
- C. One dedicated role player

V. Equipment:

- Blue Gun- Inert training weapon
- Inert MK-4 canisters
- Training CEW cartridges
- Protective gear for role player
- Sports mats
- Foam Training ASP baton and holder
- GPO's and evaluation forms

VI. Situation Explanation #1:

- A. Role player #1: You are a suicidal military veteran suffering from PTSD. You will be armed with a red knife and/or training gun. You will not submit to verbal commands until the display of an intermediate weapon, verbal warnings, and proper de-escalation techniques if safe and feasible.
 - a. **Officer Action:** Officer observes suspect
 - b. **Role Player Response:** Faces officer.
 - c. **Officer Action:** Officer makes verbal contact.
 - d. **Role Player Response:** Role player is agitated, has fists clenched. Laugh in the officer's face repeatedly.
 - e. **Officer Action:** Officer provides verbal warning indicating an intermediate weapon application. Officer provides sufficient time after verbal warning for subject to submit. After subject submits, officer should direct arrest team to move in and take control of subject and simulate handcuffing.
 - f. **Role Player Response:** Role player raises hands and submits to officer.

Slides & Notes

The role player is given his instructions prior to class. On this first scenario he/she is to act in an aggressive physical resistant manner. The intended outcome should officers use an intermediate weapon.

Two Officers will participate in each scenario – Two additional officers may respond if back up is requested.

Handcuffing will be simulated due to safety and time

Be aware that officers may use an intermediate weapon which is a level 2 reportable use of force

Group Discussion Have student start at beginning and tell what happened

Focus on sequential debrief

VII. Debrief:

1. Review of Performance Objectives of Class
2. Review of key points that achieved the performance objectives
3. Solicited student feedback

Debrief: Scenario Specific Questions:

1. What was your legal basis for contact? Was your contact a seizure, or was the subject free to leave? Why?
2. What was your threat assessment?
3. Was immediate police action necessary to protect someone from harm?
4. Did you attempt to make the scene safe, taking into consideration the location of victims, bystanders, and witnesses?
5. What tactics did you use? Why?
6. If safe/feasible, was de-escalation used?
7. What if any de-escalation techniques did you use.
8. Did they seem effective?
9. What if anything would you do differently?
10. How did you slow down the situation?
11. How did you use communication to mitigate the situation?
12. How did you use cover/concealment?
13. Did you use reportable force in the course of your duties?
 - a. Was the force necessary?
 - b. Was the force proportional to the level of resistance?
 - c. Was the force objectively reasonable under the circumstances?

VIII. Evaluation Process:

Instructors will evaluate performance during exercises and correct performance that deviates from the desired responses as stated in the lesson plan.

Slides & Notes

Use questions to guide debrief; what happened next? What did you do then?

If you ask a subjective question, redirect by asking "why?"

Fill out evaluation forms

IX. Scenario #2:

Two officers respond to a call of a suspicious activity call of a male/female looking in windows of a house. Officers are equipped with the same equipment as in Scenario #1.

X. Situation Explanation #2:

A. Role Player #1 was observed looking into windows of a house. This scenario has two branches. Role Player #1 may be the owner of the house, or may be casing the house for a break in. That role will be altered each time the scenario is run.

- a. **Officer Action:** Officer observes suspect
- b. **Role Player Response:** Faces officer.
- c. **Officer Action:** Officer makes verbal contact.
- d. **Role Player Response:** Role player #1 is startled, and has a firearm in his waist band. Begins walking towards the officers.
- e. **Officer Action:** Officer sees the firearm in the suspect's waistband and gives the suspect a loud verbal warning not to reach for that weapon. Officer will also attempt to utilize de-escalation techniques (Clear, concise and effective communication) to find out if that person has a right to possess that firearm if safe and feasible.
- f. **Role Player Response 1:** Advises officers that he was checking a noise and was locked out of the house and acts annoyed/inconvenienced. He also states he is a CCW permit holder and that he has a legal right to have a gun on his own property. Role player will eventually comply with police if officers use de-escalation tactics.
- g. If Role player is attempting to break in, he should be actively resistant and begin walking towards the officer. He will exhibit aggressive behavior. He does not have a gun in his waistband. He will assume a fighting stance with clenched fists and ignore officer commands.
- h. **Officer Action:** Officer deploys an intermediate weapon on the subject if they become actively resistant.

Slides & Notes

In this second scenario the role player is to act in a Passively Resistant manner. The intended outcome is for the officer to use de-escalation tactics and not use an intermediate weapon to gain control of the subject.

Two Officers will participate in each scenario – Two additional officers may respond if back up is requested.

Officer un-holstering and pointing firearm is a Level 1 use of force.

Role player in this particular branch of the scenario should not have any weapons.

Slides & Notes

- i. **Role player Response 2:** Role player falls to the ground after being struck with an intermediate weapon.
- j. **Officer Action:** Officer directs arrest team to arrest subject. Arrest officers move in and simulate using prone handcuffing technique to take subject into custody. The officer at this point should conduct an interview, using the Miranda Warnings, and try and determine if the subject is the homeowner or attempting to break in.
- k. **Officer Action:** Officers place subject into recovery position and await EMS response.

XI. Debrief:

- 1. Review of Performance Objectives of Class
- 2. Review of key points that achieved the performance objectives
- 3. Solicited student feedback

XII. Debrief: Scenario Specific Questions:

- 1. What was your legal basis for contact? Was your contact a seizure, or was the subject free to leave? Why?
- 2. What was your threat assessment?
- 3. Was immediate police action necessary to protect someone from harm?
- 4. Did you attempt to make the scene safe, taking into consideration the location of victims, bystanders, and witnesses?
- 5. What tactics did you use? Why?
- 6. If safe/feasible, was de-escalation used?
- 7. What if any de-escalation techniques did you use.
- 8. Did they seem effective?
- 9. What if anything would you do differently?
- 10. How did you slow down the situation?
- 11. How did you use communication to mitigate the situation?

Group Discussion Have student start at beginning and tell what happened

Focus on sequential debrief

Use questions to guide debrief; what happened next? What did you do then?

If you ask a subjective question, redirect by asking "why?"

CEW deployment:
Instructor should review risks of prolonged exposure and use on certain individuals.

A review of probe removal, monitoring and EMS requirements should also be reviewed.

12. How did you use cover/concealment?

13. Did you use reportable force in the course of your duties?

- a. Was the force necessary?
- b. Was the force proportional to the level of resistance?
- c. Was the force objectively reasonable under the circumstances?

Evaluation Process:

Instructors will evaluate performance during exercises and correct performance that deviates from the desired responses as stated in the lesson plan.

Slides & Notes

If OC spray is deployed, officers should be reminded of decontamination, monitoring and EMS requirements.

If ASP expandable baton is deployed, monitoring and EMS requirements should be reviewed.

GPO 2.01.04 II. A-C

GPO 2.01.04 III. B-D

GPO 2.01.04 IV. A-D

Fill out evaluation forms.

Title: De-escalation

Recommended Time: 1 Hour 15 Minutes

Primary Audience: Patrol Officers, Detectives, Supervisors

Module Goal: Through Scenario Based training, the student will make the decision if it is feasible and safe to de-escalate?

Required Materials:

Learning Objectives: At the completion of this module, successful students will be able to:

-
- Evaluate the situation and the subject(s) they encounter
- Evaluate the environment and their resources
- Ensure they have evaluated other factors in deciding what the relative safety is for themselves and for the general public
- Decide whether immediate de-escalation is possible or whether immediate force is required.
- Evaluate the situation and determine if an arrest is to be made

Recommended Time Allocation		
	Unit	Recommended Time (minutes)
1	Group assignments and equipment distribution	15
2	Active scenario participation	45
3	Scenario Debrief	15
Total		75 minutes

I. Summary of Use of Force Policy Provisions and Performance Goals

A. Officers have an affirmative duty to use de-escalation tactics and strategies whenever safe under the totality of the circumstances and time and circumstances permit

- 1 “De-escalation tactics and techniques are proactive actions and approaches used by officers, when feasible, to gain voluntary compliance of subject(s) and reduce or eliminate the need to use force”

B. De-escalation techniques include:

- 1 Proactive use of distance, cover, concealment and time
- 2 Demonstrating that you are hearing and listening to a subject
- 3 Strategic communication or voice commands
- 4 Increase in officer presence
 - a. Request additional personnel respond to the scene/subject.
 - b. Where a subject appears to be experiencing a behavioral or mental health crisis, call a Specialized CIT Officer to the scene.
 - c. Request a supervisor.

C. There is no one-size-fits-all de-escalation technique. It depends on the nature of what you may be encountering. The nature and immediacy of a threat will help determine what de-escalation tactics an officer may use to address the threat.

Slides & Notes

SLIDE 1: Duty to De-Escalate

SLIDE 2: De-Escalation Techniques

Adding Division resources/equipment and specially trained personnel may assist the responding officers

SLIDE 3: Avoiding Escalation of Incidents

SLIDE 4: Special Considerations

Avoid using actions that may escalate force

(GPO De-escalation – page 3G)

- D. Officers should avoid taking unnecessary actions that may escalate the need to use force (aggressive body language, proximity to a subject, harsh level of voice/tone, officer's own stress level/excitement)
- E. De-escalation requirements apply regardless of whether you think this is a force situation or not. The various de-escalation techniques are ways to meet law enforcement objectives in a safe, effective way in all of the circumstances where you interact with subjects who do not pose any threat.
- F. When interacting with subjects, officers must consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comprehend and/or comply based on, but not limited to the following:
 - 1 Influence of drugs/alcohol
 - 2 Known or reasonably apparent mental illness, developmental disability or crisis incident
 - 3 Known or reasonably apparent physical disability, medical, or physical condition (visual/hearing impairment)
 - 4 Limited English proficiency or other language barrier
 - 5 Perceived age of a child

II. Strategies and skills

This module is intended to give you practice in dealing with a scenario inspired by real life in which you will need to think about using various techniques and skills to reach a successful outcome.

There are some skills and strategies that you should have in mind as we approach this exercise:

- A. Voice: Utilize effective communication
 - 1. Communicate with clarity
 - 2. Use a calming manner, normal tone of voice
 - 3. Ask questions and listen

Slides & Notes

- B. Presence: What image or posture are you projecting towards the subject?
 - 1. Aggressive
 - 2. Passive
 - 3. Unaware
 - 4. Professional
 - 5. Polite v. rude

- C. De-escalation
 - 1. When Feasible and Safe
 - 2. Slow down the situation
 - 3. Use contact/cover
 - 4. Use distance and shielding/positioning tactics to limit exposure
 - 5. Call for more resources/supervisor/CIT officer
 - 6. Are directions clear? Can they be understood? Are consequences explained?

- D. Force
 - 1. Necessary
 - 2. Proportional
 - 3. Objectively reasonable?

- E. Explain what you did

- F. Explain what you could do and why
 - 1. The “why” of a technique, tactic or action based on a thought process.

III. Performance Objectives

In each situation, the student will:

- A. Perform a threat assessment based on the nature and immediacy of the threat and to identify if immediate police action is necessary to protect someone from harm.

Slides & Notes

- B. Establish that the scene is safe or make the scene safe. Take into consideration the location of victims, bystanders, witnesses.
- C. Use time, distance and shielding to enhance the opportunity for de-escalation by limiting exposure to the subject. Move from a position that exposes you to potential threats to a safer position.
- D. Take the following steps to protect themselves, their partner(s), bystanders, and the subject they are dealing with:
 - 1. Use De-escalation tactics based on the De-escalation General Police Order when it is safe and feasible to do so under the totality of the circumstances.
 - 2. Examples are:
 - i. Slow down the situation
 - ii. Bring additional resources to the scene (Call for back up), request additional personnel and wait, when safe and feasible to do so, for arrival of additional personnel.
 - iii. Place barriers between uncooperative subject and yourself
 - iv. Use strategic communication or voice commands to de-escalate the situation.
 - v. Verbalize to the subject(s), in a calm manner and normal tone of voice, all the options available to them, which you can help with, and which would be best to end subject's crisis.
 - vi. Ask questions rather than issue orders.
 - vii. Advise the subject(s) of the actions that you will take to end their crisis in the best way possible.
 - viii. As a last resort, inform the subject that not following orders may result in the need to use force. When possible and appropriate, give subjects the opportunity to comply with directives.

Slides & Notes

Use of Force :General
Policy, page 1 section II.B

Slides & Notes

E. Use force only as necessary, meaning only when no reasonably effective alternative to the use of force appears to exist, and then only to the degree which is reasonable to effect the intended lawful objective.

1. Affect a lawful arrest/detention of a subject
2. Gain control of a combative subject
3. Prevent or terminate the commission of a crime
4. Intervene in a suicide or self-inflicted injury
5. Defend or protect an officer/individual from the violent or resistant physical acts of another

IV. Site Description

1. Academy classroom
2. Table in Corner w/chair

V. Instructor requirements:

- A. One Lead Instructor
- B. One Back up Instructor: Will assist in equipping and staging officers
- C. Two dedicated role players
- D. 1 dedicated Safety Officer
- E. Instructors and Safety Officers should be equipped with a whistle to stop a scenario for safety reasons.

VI. Set-Up

- A. Primary Zone Car will consist of a contact and a cover officer. Each will be issued a blue gun, blue Taser and a foam baton.
- B. A two officer back up unit will be set up the same way.
- C. A one officer CIT officer will be set up the same way.
- D. A supervisor will be set up the same way.

VII. Equipment

- A. Six blue guns
- B. Six blue Tasers
- C. Six foam batons/ six units inert pepper spray
- D. Rubber training knife

Instructors should place furniture within the training area that officers can use during the scenario to help create distance and barriers.

Instructors should make note of any officers in their group who are CIT certified.

VIII. Scenario Explanation

- A. This scenario will start with two officers being “dispatched” to a run for a fight in progress. The call came from a neighbor who does not want to be identified. When officers arrive, they notice an apartment door open, and can hear noises inside the apartment.
- B. Upon entering the apartment, the officers will encounter Role Player #1, who will be lying on the ground, in pain and making moaning sounds.
- C. Role Player #2, will be sitting behind a table, with view partially obstructed and holding a knife. Role Player #2, will be uttering statements as “he/she should have left me alone”, “I told him/her to leave me alone.”
- D. The officers will need to assess the scene, determine who the primary aggressor is, contact C.I.T. resources if needed, provide emergency aid, and call E.M.S., make an arrest if necessary.
- E. **Student Requirements**
 1. Safety screening of weapons and dangerous items
 2. Must wear all protective equipment
 3. Supplied with training intermediate weapons (Taser, and foam Asp Baton)
 4. Be briefed and staged, ready to deploy as primary responding officers or back up officers.

F. Instructor Notes:

1. Scenario for Basic Patrol may be altered for specialized units/detectives/administrative units
2. Be sure to document officer behavior on skills assessment sheet
 - Appropriate behaviors for de-escalation
 - Calm voice
 - Request back up
 - Request Supervisor
 - Use distance and shielding
 - Calling other resource
 - CIT officer
 - Negotiator

Slides & Notes

Instructors will note if the students:

Approach scanning for threats and use contact/cover technique

(GPO De-escalation – page 2E)

Assess lack of compliance reason, Use available backup if needed

Use proactive de-escalation techniques

Safety Officer & Instructors should be prepared to use a whistle to stop the scenario. Caution the officers to use control techniques that will not harm the Role Players. Remind Role Players to comply.

- Swat
 - Cover / Contact
 - Slow things down
- 3. Assist the responding officers as needed with information that is usually provided by a dispatcher.
 - Have we been to the location previously?
 - Is there a known weapon on the premise?
 - Any other type of history at this location/alarm drops?
- 4. Try and let the scenario play out, however, be cognizant of time issues
- 5. Be aware of all safety protocol and allow no exceptions
- 6. Monitor the behavior of all Safety Officers to insure compliance with established safety protocol
- 7. All officers will face the same basic start to the scenario but each one can have a different outcome depending on officer interaction and direction from the lead instructor.

D. Instructions for Role Player 1: The Complainant

1. Role Player #1 will be lying on the ground, unresponsive to officers, holding onto his/her side and moaning.
2. Role Player #1: Will be staged near the entrance of the apartment.
3. Role Player #1 will not offer much information.
4. Role player #1 will provide only general information in regards to their own identity and comply with all requests and instructions by the responding officers.

E. Instructions for Role Player #2

1. Role Player #2 will be armed with a knife and will be observed pacing back and forth in the apartment about 20 feet away from Role Player #1.
2. Role Player #2 will be mumbling incoherently and initially unconcerned about the presence of the police.
3. Role Player #3 will become angry with the intrusion of the police and will refuse to drop the knife if ordered to do so by the police.
4. Role Player #2 will cooperate with the police if they use de-escalation techniques.
5. If officers begin subject control tactics, you will comply and not resist: being escorted, pat down procedures, handcuffing.

Slides & Notes

Information for specialized units/detectives/admin. Units can be changed to reflect their reason for being on scene. Examples are: Follow up interviews, crime scene photos/prints, an incident inside their respective buildings/offices.

Slides & Notes

F. Officer desired response when contacting the role players:

- 1 Identify themselves as police officers when feasible
- 2 Use contact/cover while interviewing role players
- 3 Officer will notice that Role Player #2 will be holding a knife and must address the threat per GPO.
- 4 Officers should call for backup.
- 5 Perform a threat assessment of the surroundings to ascertain location of the suspect in regards to victims, access to weapons, and or escape.
- 6 The subject will begin to de-escalate if the officers regain control and contact/cover positions
- 7 Attempt to get the role player to drop the weapon.
- 8 Provide medical care to injured
- 9 Officers will attempt to gain more information from the role players in regards to what happened
- 10 Determine if there are any other people at home with the complainant

G. Reinforce the following:

1. Officer(s) will make the correct threat assessment in response to the role player's actions?
2. Officer(s) will use contact and cover principles to protect themselves and slow down the situation and summon additional resources.
3. Officer(s) will use De-escalation tactics when safe and feasible based on the totality of the circumstances.
4. Officer(s) will use only the force necessary to achieve a lawful objective.
5. Officer will use force that is proportional to the level of resistance and objectively reasonable.
6. Officer will request a supervisor if they use or witness force except for de-minimus force.

H. Debrief of Training:

1. Review of Performance Objectives of Class
2. Review of key points that achieved the performance objectives
3. Solicited student feedback

I. Debrief: Instructor Tips

- 1 Have student start at beginning and tell what happened
- 2 Pause and paraphrase if required due to rambling narrative
- 3 Focus on sequential, chronological de-brief
- 4 Use questions to guide debrief; what happened next? What did you do then?
- 5 If you ask a subjective question, redirect by asking “why?”
- 6 Remember that after a high stress incident, it is the instructor’s responsibility to help the student reduce their stress and anxiety level and bring them down to a level of normalcy before any constructive debriefing can occur. Utilizing Division trained anxiety and stress management techniques such as “Heart Focused Breathing”, “Sixteen Seconds to Clarity” can help mitigate high stress levels.

J. Debrief: Scenario Specific Questions

1. What was your legal basis for contact? Was your contact a seizure, or was the subject free to leave? Why?
2. What was your threat assessment?
3. Was immediate police action necessary to protect someone from harm?
4. Did you attempt to make the scene safe, taking into consideration the location of victims, bystanders, and witnesses?
5. What tactics did you use? Why?
6. If safe/feasible, was de-escalation used?
7. What if any de-escalation techniques did you use.
8. Did they seem effective?
9. What if anything would you do differently?
10. How did you slow down the situation?

Slides & Notes

Pointing a firearm at a subject is a level 1 reportable use of force.

Handcuffing should be simulated due to safety and time.

If there is a shooting incident, it is a Level 3 reportable use of force and requires a supervisor and FIT team call up.

Be aware that officers may use a CEW which is a Level 2 reportable use of force

11. How did you use communication to mitigate the situation?
12. In this scenario what specialized personnel would be called? Why?
13. How did you use cover/concealment?
14. Did you use reportable force in the course of your duties?
 - a. Was the force necessary?
 - b. Was the force proportional to the level of resistance?
 - c. Was the force objectively reasonable under the circumstances

IX. Officer waiting to attend training

1. Will be provided copies of use policy
2. Instructed to review
 - a. de-escalation tactics, strategies, and techniques to be used thought out training
 - b. Factors to consider when choosing force response.
3. Officer who have completed the scenario will remain in the classroom and:
 - a. Watch other officers participate in the scenario
 - b. Participated in debrief of scenario the scenario

Title: 2019 Video Assessment #1

Recommended Time: 1 Hour 15 Minutes Primary Audience: Patrol Officers, Detectives and Supervisors

Module Goal: Through classroom instruction, video assessment, and discussion, the officers will be able to apply the new Use of Force GPO's.

Required Materials: Digital presentation (Power Point, video, GPO's); lesson plan

Learning Objectives: At the completion of this module, students will be able to:

- Identify if the officer had legal justification for the stop
- Describe the level of resistance the driver displayed
- Describe how the officer could have de-escalated the incident
- Describe if force was necessary in the encounter and was it proportional
- Identify if the officer is required to notify medical personnel
- Identify the reporting procedures

Recommended Time Allocation		
	Unit	Recommended Time (minutes)
1	Introduction and welcome	5
2	Video, Group discussions	60
3	Class De-Brief	10
Total		75 minutes

Slides & Notes

I. Introduction

Instructors will introduce themselves and give the students a brief history of their background.

- A. This training module is geared toward applying the five GPO's that address various aspects of use of force as one overall order.
 - 1. Having the ability to understand and cross reference these GPO's will be the focus of this block of training.
 - 2. During the video assessment portion, the instructors will ask the officers to place themselves in the position of the officer(s) in the video.
- B. You will be evaluating how the real officer(s) handled themselves in an actual incident when interacting with various individuals. You will be asked to apply our Use of Force GPO's to the incident.
 - 1. Having the ability to identify opportunities to use de-escalation techniques in order to gain voluntary compliance and to reduce the need to use force can impact the direction and outcome of a situation.
- C. In addition to analyzing the officer's performance, you will be asked to consider what the officer has to do once the subject is compliant, the threat is eliminated, and/or the incident concludes.
 - 1. EMS?
 - 2. Supervisor?
 - 3. Reporting? What Level of force must it be reported as?

II. Video #1

- A. Provide some background information and context.
- B. The purpose is not to judge or second-guess the officers' actions.
- C. Instead, the video illustrates the real-world challenges officers face, and the exercise is about whether the officer's response would be consistent or inconsistent with the Division's use of force policies.

- D. The purpose is to generate discussion as to how they can apply what they saw in the video, to our Use of Force GPO's.
- E. Independence, Missouri video
1. An officer stopped a 17 year old male for a traffic stop
 2. The officer tried to get teen to roll window down to talk to the teen
 3. The male was being uncooperative and only had the window cracked
 4. **Show the video:** "Police Tasing that Put Missouri Teen Into Cardiac Arrest (full version)"
<https://www.youtube.com/watch?v=eZwf0KWKAa8>
- F. Break the class into 3 small groups of 4 officers.
1. Have the groups discuss and write down the key elements to the following questions
 - a. Did the officer have legal justification for the traffic stop?
 - b. **Anticipated class answer:**
 - b. Yes. The stop was for a traffic warrant.
 2. What levels of resistance did the driver display to the officer? (Note that it is not possible to see everything that the subject is doing inside the vehicle, so analyze according to what can be seen and heard on the video.)
 - a. **Anticipated class answer:**
 - b. While in the vehicle, the driver displayed Passive Resistance by not following the legal directions given by the officer/ and Active Resistance by pulling away from the officer
 - c. When outside of the vehicle and being handcuffed, the driver displayed no resistance

Slides & Note

Give a brief intro into the video
Independence, Missouri officer Tasing teen into Cardiac Arrest

Play Video until 3:50 mark. The instructor should focus on the Use of Force issues regarding our policies.

The instructor should pose the question and give the small groups time to discuss before moving on to the next question.

Provide each group with paper and pens/markers to record the key elements of their group discussion.

Refer to GPO 2.01.01 Definitions

Refer to GPO 2.01.02 De-Escalation

Slides & Notes

3. What could the officer have done to de-escalate the situation?

a. **Anticipated class answer:**

b. Slow down the pace of the incident and verbalize to the driver, in a calm manner and normal tone of voice.

4. Did the involved officer employ reportable force? If so, what level of force is it under CDP policy?

a. **Anticipated class answer:**

b. Under CDP policy, yes because the officer tased the teen for 23 seconds. Also, the take down of the teen. Level 3

5. Was the officer's deployment of the taser consistent with CDP policy?

a. **Anticipated class answer:**

b. No. (1) Must limit to minimum number of 5-second cycles. Officer tased subject for 23 continuous seconds (intermediate weapons policy & CEW sub-policy);

c. (2) force prohibited to overcome passive resistance (general UOF policy);

d. (3) not proportional or necessary (general UOF policy);

e. (4) failure to de-escalate (de-escalation policy);

6. Does the officer have to call for a supervisor?

a. **Anticipated class answer:**

b. Officers who use or witness force shall contact the Communications Control Section and request that their supervisor respond to the scene as soon as practical following any use of force, except for de-minimis force.

Refer to GPO 2.01.05

Use of Force Reporting

The info came from researching and facts given about the incident. Upon the class knowing it was 23 seconds continuous they can understand that the UOF rose to a Level 3 because CDP GPO only allows 3, 5 second cycles, and the officer dropped a handcuffed suspect

<https://theintercept.com/2016/06/07/tased-in-the-chest-for-23-seconds-dead-for-8-minutes-now-facing-a-lifetime-of-recovery/>

Refer to GPO 2.01.04
Intermediate Weapons

Slides & Notes

7. What is the reporting procedure for the use of force the officer used?
 - a. **Anticipated class answer:**
 - b. Notify a supervisor
 - c. Blue Team use of force entry as directed by the Officer-in-Charge of Fit.(Refer to FIT GPO)
 - d. Comply with all additional directives from the Officer-in-Charge of FIT. (Refer to fit GPO)
8. Instead of using force, are there other options that might have been available to the officer when it was clear that the subject was resisting?
 - a. **Anticipated class answer:**
 - b. De-escalation (time, strategic communication skills); back-up/additional resources
9. If you were partnered with the officer in the video, at what point, if any, would you have the Duty to Intervene?
 - a. Have officers discuss why or why not they would intervene.
 - b. Ask the class, according to policy, when an officer shall have the Duty to Intervene.
 - b. When any use force that is perceived to be unauthorized by the policy.
 - c. Ask what responsibilities officers have once they intervene.
 - b. Take protective custody of the subject being subjected to the apparent unreasonable force
 - c. Ensure that medical care is provided as needed

Duty to intervene (GPO
2.01.03 IV)

d. Report the suspected unreasonable use of force

- document the same in their duty report
- complete a Form -1 detailing the use of force and surrounding circumstances

Video #2

- A. Provide some background information and context.
- B. The purpose is not to judge or second-guess the officers' actions.
 - 1. Instead, the video illustrates the real-world challenges officers face, and the exercise is about whether the officer's response would be consistent or inconsistent with the Division's use of force policies.
 - 2. The purpose is to generate discussion as to how they can apply what they saw in the video, to our Use of Force GPO's.
- C. Dallas, Texas Video
 - 1. Officers respond to a call for service for a male disturbing, not taking his medication.
 - 2. Officers arrive and briefly encounter the caller, who is the male's mother.
 - 3. Male observed standing in the doorway holding a screwdriver.
 - 4. Male refuses to listen to officers repeated commands to "drop the screwdriver!"
 - 5. Males attacks officers with the screwdriver
 - 6. Officer(s) fire their weapons, striking the male.
 - 7. <https://www.policeone.com/police-products/body-cameras/articles/8459038-Video-Dallas-cops-fatally-shoot-mentally-ill-man-wielding-screwdriver>
- D. Class discussion
 - 1. Did the officers have legal justification for the encounter?
 - a. **Anticipated Class Answer:**
 - b. Yes. The officers are responding to a call for a mental male disturbing and not taking his medication.

Provide Background to video

Play Dallas Texas Video

Discuss the following questions with the class

2. What levels of resistance does the subject display?

a. **Anticipated Class Answer:**

b. Aggressive Physical Resistance (Attacks officer with the screwdriver)

3. What could the officers have done to de-escalate the situation?

a. **Anticipated Class Answer:**

b. Create distance, call for back-up, request a supervisor.

4. Did the involved officer employ reportable force? If so, what level of force is it under CDP policy?

a. **Anticipated Class Answer:**

b. Level 3, Deadly Force

5. Does the officer have to call for a supervisor?

a. **Anticipated Class Answer:**

b. Yes

6. What is the reporting procedure for the use of force the officer used?

a. **Anticipated Class Answer:**

b. Complete a Blue Team Use of Force entry by the end of their tour of duty, as directed by the Officer-in-Charge of F.I.T.(Refer to GPO 2.01.07, Force Investigation Team)

c. Comply with all additional directives from the Officer-in-Charge of F.I.T. (Refer to GPO 2.01.07, Force Investigation Team)

7. Instead of using force, are there other options that might have been available to the officer when it was clear the subject was resisting?

- a. Less lethal (Taser, OC Spray), Confer with the male's mother to gather further information, create distance, call for additional units, call for C.I.T. officer.
- E. The instructors shall monitor the small groups as they go over their assessment of the video. The instructors need to make sure the groups stay focused on the key elements in the video and assist the groups if needed.
- F. Instructors will bring the three groups back together to facilitate discussion about the key elements in the video and how they applied the new Use of Force GPO's.
 1. An officer from each group will present to the class the key points of the video that was discussed in his/her group
 2. Instructors should focus on the officer's answers given during the class discussion using the above questions.
 3. The officers need to understand the questions presented to them in their small groups to get a passing score
 4. During the large group discussion, instructors will identify the officers/supervisors that display deficiencies in any of the answers that are given
 5. These deficiencies will present themselves in the officers/supervisors inability to effectively identify
 - a. Legality of the traffic stop
 - b. Levels of resistance
 - c. De-escalation Techniques
 - d. Is the force reportable and within GPO
 - e. Does a supervisor need to respond
 - f. Use of Force reporting procedures

5. Instructors will be discussing the acceptable range of answers and how they are directly related to the application of the Use of Force GPO's.
6. Any officers that fall outside the acceptable range will be immediately remediated.
7. This remediation will be done in the following manner:
 - a. Review the question that the officer/supervisor is having a problem with
 - b. Ask follow up questions to reinforce the correct line of thinking as it relates to the Use of Force GPO's
 - c. Review the section of the Use of Force GPO's that directly relates to the problem or question the officer/supervisor is having
 - d. The instructor must make sure that the officer/supervisor understands the question and answer that was remediated and mark the score sheet as passing
 - e. Instructors will report to the Training Section supervisor all officers/supervisors which have a heightened level of resistance to the training module, or difficulty in understanding the concepts being taught
 - f. Any officer/supervisor receiving a failing grade of 74% or lower, or having continued difficulty with the discussion concepts will need to be remediated and sent to the Training Section supervisor for review of their efforts for this block of training.

IV. Conclusion Answer Students / Officers Questions

Summarize and Answer Questions

Title: Video Assessment 2

Recommended Time: 1 Hour 15 Minutes

Primary Audience: Patrol Officers, Detectives, Supervisors

Module Goal: Through classroom instruction, video assessment, and class discussion, officers will have the ability to understand, cross reference, and apply the five GPO's making up the current Use of Force policy.

Required Materials: Digital presentation (Power Point, video); lesson plan; U.O.F. GPOs

Learning Objectives: At the completion of this module, students will understand and be able to apply the following:

- The Use of Force training is a comprehensive view of how we are to apply these five GPOs as one overall order. Having the ability to understand and cross reference these GPOs will be a focal point of this block of training.
- Key points for the officers to identify:
 - Do the officers have legal justification for the encounter
 - Level of resistance the officer(s) are encountering
 - Level of force used by officer(s)
 - De-escalation attempts and /or de-escalation opportunities available
 - Was the force necessary and proportional to level of resistance (Objectively Reasonable)
 - What is the reporting procedure
- During the video assessment portion, the instructor will ask officers to place themselves in the position of the officer(s) in the video. They will be evaluating the tactics used by the officer(s) in the video and applying the Use of Force GPOs to the incident. The importance of being able to identify opportunities to use time, space, distance, and cover is of the utmost importance for the application of these GPOs. Officers will be given the task of seeing these key elements as the video unfolds, answer questions, then put these practices into play throughout the training as well as when they return to daily patrol. Using these tactics and applying the five GPOs that make up the Use of Force is essential for the safety of all officers and subjects involved. By effectively using de-escalation tactics to help to control the immediacy of the threat, we, as police officers, are able to apply the alternative options to subduing a noncompliant subject.

Recommended Time Allocation		
	Unit	Recommended Time (minutes)
1	Group assignments and equipment distribution	15
2	Active scenario participation	45
3	Scenario Debrief	15
Total		75 minutes

I. Review of the Use of Force Principles

A. Four main principles of the Use of Force Policy

1. Necessity

- a. Officers shall use force only as necessary, meaning only when no reasonably effective alternative to the use of force appears to exist, and then only to the degree which is reasonable to effect the intended lawful objective
- b. Force has a lawful objective when used:
 - i. To effect a lawful arrest or detention
 - ii. To gain control of a combative subject
 - iii. To prevent or terminate the commission of a crime
 - iv. To intervene in a suicide or self-inflicted injury
 - v. To defend or protect an officer or an individual from the violent/resistant acts of another

2. Proportionality

- a. All force must be proportional to the level of the subject's resistance

3. Objective Reasonableness

- a. ***Graham v. Connor***: Objectively reasonable force is a level of force that is appropriate when analyzed from the perspective of a reasonable officer on the scene.
- b. Officers **MUST** consider certain officer or subject factors and circumstances when choosing a force response, including:

Re-enforce the goal is to be able to apply these 5 GPO's as one UOF

- i. The influence of drugs and/or alcohol
- ii. Known or reasonably apparent mental illness, developmental disability, or crisis incident
- iii. Known or reasonably apparent physical disability or other medical/physical condition
- iv. Availability of officers/resources to de-escalate the situation
- v. Proximity or access to weapons by the subject
- vi. Differences between the officer's and the subject's:
 - 1. Age
 - 2. Gender
 - 3. Body size
 - 4. Skill level
 - 5. Relative strength
- vii. Injury or exhaustion
- viii. Officer's and subject's position (e.g. being on the ground)
- ix. Officer's distance from the subject
- x. Officer's special knowledge or training
- x. Degree to which subject is already restrained

4. De-escalation

- a. Officers must use de-escalation techniques when it is safe and feasible to do so under the totality of the circumstances
- b. De-escalation is NOT a synonym for talking nicely. Instead, de-escalation tactics and techniques are proactive actions and approaches used by officers, when feasible, to gain the

Define De-escalation per the new UOF policy

Discuss and provide examples of De-escalation options

voluntary compliance of subject(s)
and reduce the need to use force

c. Examples of de-escalation
techniques:

- xi. Distance, cover, concealment,
and time
- xii. Hearing and listening
- xiii. Strategic communication or
voice commands
- xiv. Increase of officer presence

II. Use of Force Video Assessment Presentation

A. Video #1: *Suicidal woman with a knife:*

B. <https://youtu.be/AI2mF8MasGc> - *Grand Rapids w/
Suicidal FM (Good De-escalation)*

- 1. Lead in: Police arrive and notice a
woman with a knife pacing the sidewalk.
- 2. Video starts as primary officers arrive on
scene.

C. Video #1 Questions/Discussion points:

- 1. What Level of Resistance encountered
by the officers?
 - a. Active Resistance: Physical action of
the subject is not allowing the
officers to take control or place her in
custody
- 2. What Level of Force are the police
responding with?
 - a. Level 2: Use of beanbag shotgun
- 3. What type of de-escalation attempts are
by the officers?
 - a. Verbal Commands

Verbal commands are used by the officer in a positive way. There should be one contact officer and the others acting as cover officers. If the suspect wants to change contact officer, then the adjustment can be made. If one verbal tactic isn't working come at the situation with a new form of command. Allowing the suspect to feel as if they have some control and are being heard and understood can help to gain voluntary compliance.

UOF: Definitions GPO.
Identify the definition
of resistance noting
the knife

Identify specific
examples of the
suspect's resistance
from the video

Discuss the level of
force and what Level 2
entails

b. Use of distance

Officers do a good job of keeping distance. They use good, clear verbal commands and stay out of range, but within the beanbag shotguns effectiveness area. Relate the use of distance to help control the immediacy of the threat.

Use *Graham v. Connor* to discuss the application of the Graham factors:

“What would you do in regards to de-escalation in this situation?”

c. Officers on scene

We know there are at least 4 officers and 1 supervisor on scene. This is a pretty good number for the given situation. Discuss problems with having too many officers talking to the subject. Must note that we would want a CIT officer if available and for that officer to be the contact. The focus for the officers is to have options available to successfully subdue a dangerous suspect.

Reinforce the tactic of allowing one officer to communicate with the subject. Sometimes it depends on who the subject can relate to or is willing to communicate with.

During this class discussion, instructor should ask for other suggestions as to how to maintain a tactical advantage over the subject. Relate the GPO's with specific regards to the incident. Discuss the officer's use of time during this encounter.

4. In this incident, is the Use of a beanbag shotgun effective?

a. Yes

Yes, but discuss the use of the Bean-bag shotgun as it relates to the suspect who is armed with a knife. Define *Use of Force* and *Proportional* from the Definitions GPO. Re-emphasize the importance of using distance, cover and concealment to give the officers a tactical advantage.

3. Is the beanbag shotgun usage within the GPO guidelines?
 - a. Yes

Identify verbiage from the UOF Intermediate Weapons GPO. The Beanbag shotgun may be deployed when a subject presents an imminent risk of serious physical harm to an officer or others, de-escalation and other force options have proven ineffective and the subject is within safe range of the beanbag shotgun.

These definitions are also discussed later in the presentation with the definitions from the GPO

Give the lead in to the video before it plays. Explain the transition from Taser use to the deadly force with a firearm decision.

- D. Video #2: Eagle Point Shooting
- E. <https://youtu.be/VjC7audSUB0> - Eagle Point (Bad De-escalation)
 1. Police respond to a male jaywalking.
 2. The male is first observed walking on the sidewalk, then into a restaurant bathroom
 3. After several attempts by the officer to find out what Matthew Graves was doing, he is confronted in the restroom
 4. Focus points of the video will be the verbalization and commands given by officers
 5. The consistent use of time, distance, and barriers
- F. Video #2 Questions/Discussion points:
 1. Are there legal grounds for the encounter?
 - a. Yes, male was observed jaywalking, and walked in front of the officer as he was driving.
 2. What level of resistance are the officers encountering?
 - a. Active Resistance: is what the officers first encounter based on the suspect not complying to the officer's commands and taking physical actions to defeat the officer's attempt to gain control

Discuss the causes for the Taser to transition from the level 2 UOF to the level 3 UOF per the Definitions GPO.

- b. Aggressive Physical Resistance; After attempting to leave the restroom and pushing the officer, he punched a second officer
 3. What is the Level of Force the officers fall into?
 - a. Level 2 Use of Force based on the use of a CEW and Level 3 Use of Force based on the use of the firearm.

Instructor discuss the reporting requirements needed in an incident of this nature. Primarily who needs to be notified and called, and provide the definition of an Officer Involved Shooting per the new GPO. This is also an opportunity to talk about the duty to provide medical attention both for the mental condition, at first, and then for the gunshot wound.

Instructor state the specifics from the GPO as to the Level 3 force definition:

- Deadly force; force that results in death or serious physical harm
- Force that results in hospital admission due to use of force injury
- All neck holds; force resulting in a loss of consciousness
- CEW applications of more than 3 or longer than 15 seconds
- Force used against handcuffed suspects

4. What De-escalation techniques were used and were they effective?
 - a. Time
 - b. Distance
 - c. Barrier
 - d. Communication

Focus on the need for the positive use of the above listed techniques. Discuss how the verbalization was good/poor. Did the officer use effective de-escalation? Discuss how the above listed techniques were lacking from the officer/suspect interaction. Talk about the officers' lack of control over the situation and how the suspect then was able to force the escalation. Discuss how the lack of proper reactionary gap lead to the ineffective use of the Taser. Make sure de-escalation discussion points allow officers in the class to point out options that could have potentially made the outcome more controlled. In this scenario, the de-escalation issues and the tactical issues go hand and hand which also should be discussed.

Discuss how these specific videos can be related to the use of force GPOs and how they can translate to the daily street encounter.

Emphasize the importance of applying Graham factors and the de-escalation techniques when safe and feasible to make your decision objectively reasonable.

5. What other de-escalations techniques could have been employed?
 - a. This portion needs to focus on the increased need to use time, distance, barriers, additional personnel and strategic communication or voice commands to de-escalate the situation

Take this opportunity to define Proportional, Necessary and De-escalation from the GPO. Identify the Graham factors in regards to this UOF.

Use Graham v. Connor to emphasize the Graham factors how they relate to a Use of force

- Severity of the crime
- Immediacy of the threat

De-escalation – The process of taking action to stabilize the situation and reduce the immediacy and level of a threat so that more time, options, and resources are available to resolve the situation and gain voluntary compliance. De-escalation techniques may include, but are not limited to, gathering information about the incident, assessing the risks, verbal persuasion, advisements and warnings, and tactical de-escalation techniques, such as slowing down the pace of the incident, waiting out subjects, creating distance (reactionary gap) between the officer and the threat, repositioning, and requesting additional resources. (UOF: Definitions)

Necessary – Officers will use physical force only when no reasonably effective alternative appears to exist, and only then to the degree which is reasonable to effect a lawful purpose. (UOF: Definitions)

Discuss the importance of understanding how the Graham factors and the GPO de-escalation tactics can work together.

Discuss the escalation and de-escalation issues that officers can encounter

Reinforce the importance of applying De-escalation tactics to every citizen encounter the officers have on a daily basis.

Proportional – To be proportional, the level of force applied must reflect the totality of circumstances surrounding the immediate situation, including the presence of an imminent danger to officers or others. Officers must rely on training, experience, and assessment of the situation to decide an appropriate level as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater level of force that may be proportional, objectively reasonable, and necessary to counter it.

(UOF: Definitions)

Instructor will ask the question (if not already addressed), “at any point did the officers have a **duty to Intervene?**” Discuss why or why not the offices would intervene. Instructor will ask class, “according to the policy, when does the officer have the Duty to Intervene?” Discuss what some of the triggers are for intervening into a UOF. Instructor should discuss what the perception of force that would initiate a duty to intervene into a UOF. Instructor will discuss the actions officers need to take once they have intervened:

- Take protective custody of subject
- Provide medical attention to the subject
- Report the suspected unreasonable use of force

The final talking point for this section will be the reporting of this Use of Force. The key points to cover for this topic:

- Reinforce the importance of using de-escalation, time management, cover and concealment and distance
- Importance of identifying the correct level of resistance
- Importance of identifying the correct level of force used
- Who needs to be notified of the use of force
- Within that level, what are the correct reporting steps to take
- Identify who, according to the level of force used, is required to make statements

Discuss the Duty to Intervene per the UOF General GPO

Identify officers having difficulty in applying the concepts found in these five GPOs.

- Who is responsible for initiating the Use of Force reporting procedure (*the focus of discussion falls under the Failure to Report Use of Force and Heightened Responsibilities for Reporting Exceptional Uses of Force sections*)

It will be important to relate the overall concepts of the five GPOs, to the officers same use of the concepts in their daily patrol. The importance of applying these GPOs on a daily basis is vital for the successful application of the overall use of force policy. As this presentation concludes, the instructor will be reinforcing the key knowledge based points which began the presentation, and how these topics relate to the five GPOs that make up the new use of force policy.

Provide with discussion opportunities to better understand the five GPOs, if you find they are having difficulties in applying them.

These notations should be made on the evaluation sheets.

III. Final talking points for this course

- A. Review any questions/concepts the officers/supervisors are having difficulty with.
- B. Review the sections of the UOF GPOs that directly relate to the question or problem the officer/supervisor is having.
- C. Present an additional scenario to reinforce the correct response.
- D. The instructor must determine if the officer/supervisor has been satisfactorily remediated and found to be proficient.
- E. Any corrective actions taken by the instructor and the satisfactory responses from the officer/supervisor must be documented in the training packet.
- F. The instructor will notify the Training Section supervisor all officers/supervisors which have a heightened level of resistance to the training module or difficulty in understanding the concepts being taught

Any officers or supervisors failing to fall with-in the standards set by the Use of Force GPO's must be directed to the Training Section OIC.

- IV. During this final debrief, instructors will show a passing score for the officers/supervisors that successfully complete the training module to the above listed standard. All officers/supervisors that are not able to correctly apply the five GPOs that make up the current Use of Force policy will receive a failing grade and sent to the Training Section supervisor. The corrective action will then be to determine exactly where the deficiency lies. The officer/supervisor will then be scheduled for an additional GPO review with the District Training Coordinator followed by their attendance in a second session of the Use of Force GPO training.